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**From:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]  
**Sent:** 2/20/2020 9:17:08 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**CC:** Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** RE: For review this week - FR notice re assumption and ESA 2.19.20 addressing Dave's comments.docx  
**Attachments:** sn comments Draft FR notice re assumption and ESA 2.19.20 addressing Dave's comments sak.docx

Here are my comments

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, February 20, 2020 12:28 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: For review this week - FR notice re assumption and ESA 2.19.20 addressing Dave's comments.docx

Thanks, Carrie. I have made a few last tweaks. Steve, could you please review the attached version?

Many thanks,

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Sent:** Thursday, February 20, 2020 9:42 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wade, Alexis <Wade.Alexis@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Subject:** RE: For review this week - FR notice re assumption and ESA 2.19.20 addressing Dave's comments.docx

Nothing further from me. Thanks.  
Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Sent:** Wednesday, February 19, 2020 5:09 PM

**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>

**Cc:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Subject:** For review this week - FR notice re assumption and ESA 2.19.20 addressing Dave's comments.docx

Carrie and Steve,

Attached for your review is a revised draft of the Federal Register notice regarding ESA consultation on state 404 program approval, into which OWOW has incorporated edits from Alexis and myself. Could you please review this week? John would like to send to Dave by Friday, if possible.

Please let us know if you need more time and/or have comments or concerns. Thank you very much for your attention!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Sent:** Wednesday, February 19, 2020 4:29 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Kelly, Stephanie <[kelly.stephanie@epa.gov](mailto:kelly.stephanie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** Draft FR notice re assumption and ESA 2.19.20 addressing Dave's comments.docx

Hi all,

Attached is a clean version of the FRN that incorporates OGC and Mindy's comments to try and address Dave's request to summarize FDEP's white paper in the notice.

This version has all the inserts such as contact info, Docket number, etc that are required.

Mindy, Please forward to John for his review.

Simma and Alexis, please send this to Carrie and Steve for their review simultaneous with John's review. Once we have Steve, Carrie's and John's comments incorporated we can send this forward to Dave Ross for a final review.

Thanks,

Kathy